

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

LUIS EDUARDO SAN JUAN,	)	CASE NO. 8:10CV133
	)	
Plaintiff,	)	
	)	ORDER
v.	)	
	)	
FIRST NATIONAL BANK OF OMAHA,	)	
	)	
Defendant.	)	

This matter is before the Court on the Defendant's Motion to Strike and Exclude Testimony of Patrick J. Barrett (Filing No. 76). The Motion is supported by a Brief (Filing No. 77) and Index of Evidence (Filing No. 78). Barrett is Defendant's counsel of record in this case.

In the Plaintiff's responsive Brief (Filing No. 80), he states: "Upon further reflection, however, Plaintiff agrees that Mr. Barrett is not an essential witness for his case in chief, and will agree not to call him as a witness at trial." (*Id.* at 2). Accordingly, the Motion to Strike and Exclude Testimony of Patrick J. Barrett will be granted.

IT IS ORDERED:

1. Defendant's Motion to Strike and Exclude Testimony of Patrick J. Barrett (Filing No. 76) is granted;
2. The name of Patrick J. Barrett is stricken from the Plaintiff's witness list.

DATED this 25<sup>th</sup> day of April, 2012.

BY THE COURT:

s/Laurie Smith Camp  
Chief United States District Judge